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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ANTONIO KEATON,

11 Plaintiff,

No. CIV S-03-0864 GEB CMK P

12 vs.

13 T. FELKER, et al.,

14 Defendants.


ORDER

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16 On September 8, 2005, plaintiff filed a “motion & declaration for appointment of  
17 counsel” and a “letter brief.” These documents were not served on defendants. Plaintiff is  
18 advised that every document submitted to the court for consideration must be served on  
19 defendants. Fed. R. Civ. P. 5. Documents not to be served electronically are usually served by  
20 placing a copy in the U.S. mail. If an attorney has filed a document with the court on behalf of  
21 any defendants, then documents submitted by plaintiff must be served on that attorney and not  
22 on the defendants. Every document submitted conventionally to the court (e.g., by a prisoner  
23 proceeding pro se) must include a certificate stating the date an accurate copy of the document  
24 was mailed to defendants or their attorney and the address to which it was mailed. See Local  
25 Rule 5-135(b) and (c).

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1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's September 8, 2005  
2 "motion & declaration for appointment of counsel" and "letter brief" are denied without  
3 prejudice. Plaintiff is cautioned that failure to properly serve any documents subsequently filed  
4 in this action, and failure to include a proper certificate of service with such filing, may result in  
5 a recommendation that this action be dismissed.

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7 DATED: September 13, 2005.

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10 **CRAIG M. KELLISON**  
11 UNITED STATES MAGISTRATE JUDGE  
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